(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

Writ Petition No. _____/2004

Petitioner: Hemin Bai Lehre, W/o Arun Kumar Lehre, aged about 30 years, resident of village Khapri, Block Dhamda, District Durg (CG)

Versus

Respondents:

1. State of Chhattisgarh, through the Secretary, Department of Panchayat and Rural Development Department, D.K.S Bhavan, Mantralaya, Raipur (CG)

2. The Director, Panchayat and Rural Development Department, Govt. of Chhattisgarh, D.K.S Bhavan, Mantralaya, Raipur (CG).

3. Gram Panchayat, Khapri, through Upsarpanch, Gram Panchayat, Khapri, Tahsil Dhamda, District Durg (CG)

4. Smt. Gulaba Bai Joshi, W/o Shri Joshimal Joshi, aged about 45 years,r/o Gram Panchayat, Khapri, Tahsil Dhamda, District Durg (CG).

P. R. No. 1780/04
Presented by Shri G. P. Sharma
Date 25-6-04

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

(25)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 1794/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	13.7.2004 Shri P.S. Koshy, counsel for the petitioner. Shri Utkarsh Verma, Panel Lawyer for the State. Heard both the counsel. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, being aggrieved by the order dated 13th February, 2004 (Annexure P-1) passed by the Director Panchayat & Rural Development Department, respondent No.2, in appeal No.70/A-89/2003-2004, whereby the Director Panchayat has stayed the operation and implementation of the order dated 24.12.2002 passed by the Additional Collector, Durg, whereby the Additional Collector declared respondent No.4 as not entitled to continue on the post of Sarpanch on account of the fact that she gave birth to 10th child after coming into force of the provisions of Section 36 (1) (m) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993. The petitioner's case is that respondent No.4 gave birth to 10th child after coming into force of the provisions of Section 36 (1) (m) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 i.e. after 26th January, 2001, therefore, she became disentitled to continue as Sarpanch. An enquiry was made to that aspect and respondent No.4 was declared disentitled to continue as Sarpanch, therefore, it was ordered that respondent No.4 ceased to be Sarpanch of the village against which an appeal was preferred by respondent No.4 in which the Director Panchayat has stayed the operation vide order dated 13th February, 2004 and the petitioner moved for vacation of the stay, but the Director Panchayat is neither vacating the stay nor deciding the appeal of respondent No.4.	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P. 1794/ सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Having heard the learned counsel for the parties, having regard to the facts and circumstances of the case and looking to the nature of the case, once the Additional Collector declared respondent No.4 disentitled to continue as Sarpanch on account of her giving birth to 10th child, the learned Director ought to have decided the appeal promptly and more particularly when he has granted stay, then he ought to have decided the appeal on urgent basis.

It is therefore, directed that the Director Panchayat either should decide the appeal or decide the stay application after hearing both the parties, expeditiously as early as possible but not later than 30 days from the date of receipt of a copy of this order.

With the aforesaid direction, the petition stands disposed of.

Consequently, M.(W.)P.No.1604/2004 and I.A.No.4249/2004 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma/Sunita

[पीछे देखिये